(1) Civil Writ Petition No.1255/97
Satya Narain Vs. State & Others
(2) Civil Writ Petition No.1465/97
Medhavi Prasad Vs. State & Others
(3) Civil Writ Petition No.1466/97
Hussain Mohd. Vs. State & Others

Date of Order ::: 18/07/2005

Hon'ble Mr. Justice Ajay Rastogi

Mr. Reashm Bhargava for petitioners
Mr.B.K.Sharma, Dy.Govt.Advocate for State

These three writ petitions involving identical controversy raised at the bar are being disposed of by this common order. Petitioners have challenged order dt.16/10/1996, whereby State Government took policy decision to terminate services of Assistant Secretaries, who were appointed in various Gram Panchayats. Petitioners were appointed as follows :

(a) Satya Narain - 15/03/90 – Gram Panchayat Tilora
(b) Medhavi Pd. - 01/08/81 - -do- Ganahera
(C) Hussain Mohd. - 13/08/88 - -do- Pisangan

Petitioners apprehending their termination in view of Circular dt.16/10/96, have preferred these petitions alongwith stay petitions. As per stay orders, petitioners are continuing in service.

Shri Reashm Bhargava, Counsel for petitioners has placed a copy of judgment of this Court in Bhagwan Sahai Vs.State & Others (CWP No.6291/96 decided on 03/09/97), whereby this Court observed that policy decision conveyed by State Government would not turn back and issu

direction/instruction for terminating services of all Assistant Secretaries working in various Gram Panchayats, who are similarly placed like present petitioners, and consequently this Court directed that services of the Assistant Secretaries already working in various Gram Panchayats shall not be disturbed. Operative part of judgment dt.03/09/97 in CWP No.6291/96 (supra) reads as under : -

> "Consequently, the writ petition is allowed the impugned order is set aside. Petitioner is already working in concerned Gram Panchayats, as such, no further direction is required. However, it is made clear that this order shall not preclude concerned Gram Panchayat to terminate services of petitioner on the ground of unsatisfactory work of petitioner or on any other ground which is available to the Panchayat and the present termination order has been set aside because it has been passed on the directions of the State Government which was contrary to the assurance given by it. In the facts & circumstances, there shall be no order as to costs."

Shri B.K.Sharma, Dy.Govt.Advocate for the State does not dispute the law laid down by this Court in Bhagwan Sahai's case (supra) in respect of the controversy raised in instant petitions.

In this view of the matter, these three writ petitions are allowed in terms of the directions issued by this Court in CWP No.6291/96 decided on 03/09/97 (supra). No order as to costs.

(Ajay Rastogi), J.

K.Khatri/1255.